Ohio Environmental Protection Agency

State Fiscal Year 2019

July 1, 2018 — June 30, 2019

Annual Report

July 2019

Message from the Director

I am honored and humbled to be chosen by Governor Mike DeWine to lead Ohio EPA and I am proud of the team we have. As you'll see in this report, we have achieved many successes, and we continue to address new challenges.

With 2019 being the 50th Anniversary of the last time there was a fire on the Cuyahoga River, it gave us an opportunity to celebrate how much the river has improved since 1969.

Air quality throughout the state continues to improve. We continue to make progress on cleaning up tire piles and brownfield sites.

At Ohio EPA, we focus on protecting public health and the environment. We spend a great deal of time monitoring our air, land and water to ensure environmental standards are met. In addition, we process high-priority, complex permits for new facilities or major expansions to retain and support Ohio businesses.

In the coming year, we will continue to focus on Lake Erie and water quality through Governor DeWine's H2Ohio program, which will allocate funds to ensure safe and clean water across Ohio by providing the resources necessary to plan, develop, and implement targeted, long-term water solutions.

Laurie A. Stevenson
Director

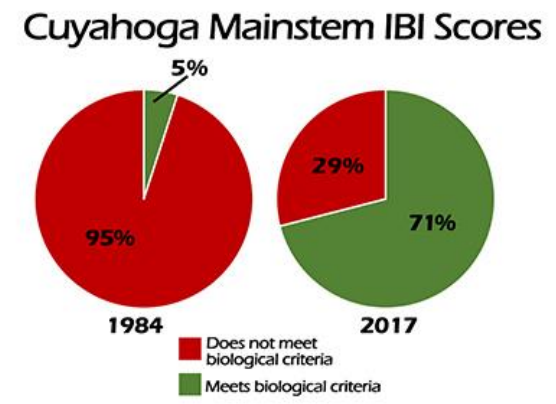
Celebrating a Comeback

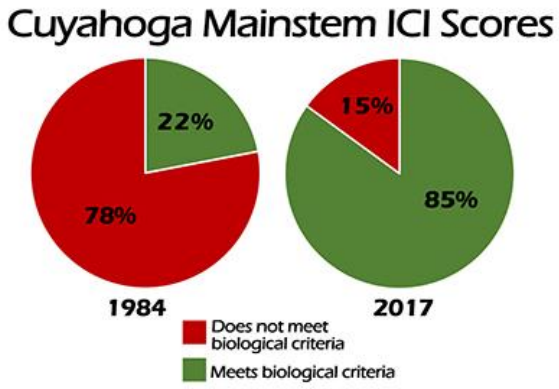
Fifty Years on the Cuyahoga River

The Cuyahoga is one of the pivotal North American Rivers. It has influenced major events in the nation's history. The Cuyahoga River is approximately 11,000 years old and one hundred miles long, 22 miles of which are within the national park. It drains 813 square miles of northeast Ohio. It has been designated both an Area of Concern and American Heritage River.

Although the 1969 river fire is the most infamous, it was not the first or the largest. The number of fires on the Cuyahoga was anywhere from 11 to 16 fires since the late 1800s. After the 1969 fire, as with most fires, new life emerged. The most important outcome was Public Law 92-500 in October 18, 1972, which is also known as the Clean Water Act.

In 1984, Ohio EPA conducted the first water quality survey in the Cuyahoga River. Since 1984, water quality improvements have been documented at Ohio EPA's long-term sampling locations, Rockside Road in Independence and St. Rt. 303 in Hiram. These two sampling locations represent water quality from different land uses and population densities within the watershed. Independence is urban while Hiram is rural. The river was sampled again in 2017. The figures to the right show the improvement in the fish (IBI) and macroinvertebrate (ICI) scores.





The Cuyahoga River Watershed has countless stewards that collaborate to restore, conserve and protect our valued natural resources. These collaboration champions help with community development and planning in ways that benefit water quality and quality of life for all within the watershed.

Point Source Improvements

Two examples of water quality improvements are the reductions of ammonia and phosphorus levels. In the late 1980s, more stringent discharge regulations were enforced on wastewater treatment systems. Ammonia levels in the Cuyahoga River were drastically reduced and levels have remained low since. This is important because ammonia is acutely toxic to aquatic life.

Excess phosphorus impairs our water resources by fueling algal blooms, which are becoming increasingly more frequent in Lake Erie. Ohio EPA is working to develop new solutions and improve the effectiveness and efficiency of existing strategies to further reduce phosphorus in our waterways.

Significant water quality improvements have resulted from reducing the amount of untreated combined sanitary wastewater and stormwater entering the river. Communities within the Akron and Cleveland area have contributed to water quality improvements by supporting Akron Waterways Renewed and the Northeast Ohio Regional Sewer District's CSO reduction projects.

Nonpoint Source Improvements

Dam Removals

Ohio EPA and its watershed partners have successfully removed dams in Kent, Munroe Falls and Cuyahoga Falls. Dam removals help restore the river's natural habitat and ecosystem. Funding has been provided by the Division of Environmental and Financial Assistance.

Nonpoint Source Control Grant Projects

Through the Nonpoint Source Pollution Control Program, grant-funded projects have helped restore and protect the habitat and water quality of the Cuyahoga River Watershed. Since 2001, Ohio EPA has administered Federal 319 Grants for 15 restoration projects. Between 2010 and 2015, Ohio EPA's Surface Water Improvement Fund has supported 10 restoration and green infrastructure projects.

This nonpoint source work has been done with many local partners. The Cuyahoga River Watershed has countless stewards that collaborate to restore, conserve, and protect our valued natural resources. These collaboration champions help with community development and planning in ways that benefit water quality and quality of life for all within the watershed.

Legislation and Policy Initiatives

Senate Bill 2

Watershed Management Programs

Senate Bill 2 created the Statewide Watershed Planning and Management Program. The bill requires the appointment of one watershed planning and management coordinator in each region categorized under the bill. In conjunction with the Ohio Department of Agriculture, Ohio EPA provided technical feedback to the Ohio Senate on this bill. SB 2 passed the Senate on June 12, 2019, and is currently awaiting action by the House.

House Bill 166

Operating Budget

House Bill 166, the state operating budget bill, renewed the Agency's operating fees and updated some existing programs. In addition, the bill charged Ohio EPA with the administration of $8.675 million as part of Governor DeWine's H2Ohio initiative. H2Ohio will provide funding over the FY20-21 biennium to assist in the repair or replacement of failing septic and wastewater systems. Other fundable areas include research and monitoring used to determine which pollutants are affecting Ohio's streams, rivers and lakes, and working with communities that are struggling with lead service line replacement.

House Bill 168

Bona Fide Prospective Purchaser

House Bill 168 changes the Voluntary Action Program to include prospective purchasers of blighted properties. Ohio EPA provided substantial feedback to Rep. Steve Arndt, the sponsor of the bill, while this bill was being drafted. HB 168 unanimously passed the Ohio House on May 29, 2019, and is awaiting action by the Senate.

Ensuring Safe and Reliable Drinking Water

Village of Winona Water System Assistance

Pressure problems within the Village of Winona, a small unincorporated community in Columbiana County, meant residents could not run dishwashers or even provide water to upper levels in their homes. In 2018, Ohio EPA's drinking water program worked closely with local officials and legislative partners to replace the failing drinking water system. Ohio EPA secured funding to provide $220,000 in grant assistance and, beginning in July 2018, worked closely with the local health department to drill 35 individual residential wells. Thanks to coordination with multiple stakeholders, all residents within the village had safe and reliable drinking water by Dec. 14, 2018.

Response to Harmful Algal Blooms

Ohio EPA manages and coordinates response to algal bloom reports, maintains the website ***ohioalgaeinfo.com*** and cyanotoxin database, and provides technical assistance and training related to harmful algal blooms (HAB) sampling procedures, treatment optimization, reservoir management and other related topics.

To assist communities in detecting and treating HABs, Ohio EPA provided monitoring equipment grants and allocated $150 million for no interest loans. In 2018, Toledo received a $40 million no interest loan for its ozone treatment.

Ohio EPA's HAB program also plays a leadership role in responding to HAB in recreational waters by developing guidance and coordinating state response with the Ohio Department of Health (ODH) and Ohio Department of Natural Resources (ODNR). The Agency also provides training, outreach events and technical assistance across the state to local health districts and other local agencies.

Staff in the HAB program serve on technical advisory committees for Lake Erie ECOHAB projects, provide annual updates at Lake Erie public water system group meetings and work proactively with Lake Erie water systems to assist with treatment optimization. Beyond Ohio, the division has served as a technical resource to other states responding to drinking water microcystins detections and states working on developing their own HAB programs, including West Virginia, Pennsylvania, Oregon, New York, New Jersey, Utah, Florida and South Carolina.

Analysis of Perfluorinated Chemicals in Drinking, Ground and Surface Water

Ohio EPA continues to work closely with ODH and local health departments to investigate the impacts of perfluorinated alkyl substances (Gen X, PFOA and PFOS). The Division of Environmental Services (Ohio EPA's lab) has developed ***U.S. EPA method 537.1*** for in-house analysis of these substances in drinking water, ground water and surface water.

Drinking Water Asset Management

Senate Bill 2 of the 132nd General Assembly, passed in June 2017, prioritized water quality improvements and addressed other environmental issues by streamlining burdensome rules while protecting public health and the environment.

During SFY19, Ohio EPA began implementing the bill and creating rules which require that all public water systems have and implement an asset management program. These requirements force water systems to take a critical look at their resiliency – driving discussions on the true cost of water, regionalization and shared services. The Division of Drinking and Ground Waters (DDAGW) is focusing asset management review and technical assistance on the systems with the highest risk of failure. To assist communities, Ohio EPA offered no interest loans with up to $10,000 in principal forgiveness to water systems to develop an asset management plan. To date, nearly $900,000 in principal forgiveness has been provided.

Contingency Planning

As part of asset management, the division revised its contingency plan rules and emphasized the importance of a robust, adequate plan to prevent and respond to emergencies. To further prevent or minimize emergencies, DDAGW offered grants up to $10,000 for back-up power at water systems. To date, Ohio EPA has allocated $440,000 for generator grants and will continue to offer grants up to another $60,000. Over the next year, DDAGW will provide training via quarterly webinars and fact sheets for public water systems.

Implementation of New Lead and Copper Rules

In May 2018, Ohio revised the lead and copper rules to clarify the requirements under House Bill 512. Ohio continues to implement the two-day lead consumer notification requirements, require more frequent lead and copper monitoring and additional corrosion control studies. Increased monitoring has not found additional issues with lead. In SFY19 Ohio EPA received and responded to 15,954 lead results. Only 339 (two percent) were the household action level. Of the 1,570 public water systems required to monitor for lead and copper, only 12 (0.7 percent) had action level exceedances.

Ohio EPA is working with ODH to use grant funding under the Water Infrastructure Improvement for the Nation (WIIN) Act to target lead testing for daycares. The money can only be used for testing. Ohio EPA is anticipating a revised lead and copper rule in calendar year 2019.

Disruption of Service Rules

New rules requiring public water systems to respond to disruptions of service became effective on Nov. 1, 2018. These rules were developed in a coordinated effort between Ohio EPA and the Ohio Section of the American Water Works Association. The new rules segregate types of disruptions and the appropriate response to each disruption based on public health risk. This rule will ensure consistent notification and response to disruptions of service at public water systems. This rule also requires notification when replacements or repairs are made to water lines that contain or are likely to contain lead. The guidance developed by the group includes notification and education templates that utilities can use to inform the public.

Protecting and Restoring a National Natural Landmark

Mentor Marsh

Mentor Marsh is Ohio's first National Natural Landmark. At approximately 700 acres, it is one of the largest natural marshes along Lake Erie's shoreline. It serves as a breading area for Lake Erie fish and a waypoint for migratory birds. The Marsh was a beautiful ecologically diverse forested wetland until 1966, when 225,000 tons of waste salt, fly ash and lime dust were dumped in an area directly adjacent to the Marsh, creating what is known as the salt fill site.

Soon after the material was dumped, salt leaching from the fill site killed almost every tree in the Marsh. To this day, trees fail to survive in the Marsh because of the sustained elevated levels of salt coming from the fill site. Instead of trees, the Marsh is dominated by an invasive cattail called phragmites, which does not rot and becomes as dry as paper and has been the cause of fires that have occurred approximately twice a decade.

Approximate location of the salt fill site.

Then Attorney General of the State of Ohio entered into a Consent Order with the estate of Jerome T. Osborne, et al and Osborne Co. LTD, et al. that would allow the State to clean up the salt pile. The order was signed by Judge John P. O'Donnell on Jan. 9, 2019.

The Order required transfer of the site ownership to the Lake County Land Bank and a payment of $10.6 million from the estate to Ohio EPA's Surface Water Improvement Fund. Ohio EPA will use this money to remove the salt from the fill site, eliminate the ongoing pollution to the Mentor Marsh and restore the site to a more natural state. Ohio EPA is creating an in-house fund to cover any remaining costs to ensure the restoration proceeds quickly.

Ohio EPA is coordinating with the city of Mentor, Painesville Township, the Lake County Soil and Water Conservation District and Lake County administration to ensure the project is performed in a manner that is safe, efficient, and respectful of the community and to minimize the disturbance from truck traffic.

ODNR and the Cleveland Museum of Natural History, respectively, own and operate the Mentor Marsh State Nature Preserve, which contains a wildflower boardwalk and a woodland trail on the less impacted parts of the Marsh. Once the remediation is complete, the Cleveland Museum of Natural History will have an opportunity to acquire the property.

Innovation, Development, Training, Safety and Assistance

Ohio Materials Marketplace

In April 2017, Ohio EPA launched the Ohio Materials Marketplace (OMM), a free, online platform for Ohio businesses, nonprofits and government organizations to facilitate the reuse of materials that would otherwise be destined for disposal in landfills. To date, more than 1,000 members have joined OMM and 3.67 million pounds of materials have been exchanged for reuse and diverted from landfills, saving members more than $208,000.

Recycling and Litter Prevention Grants

DEFA's Recycling and Litter Prevention Grant program awards competitive grant funding each year to support recycling community development, market development, litter management and scrap tire management. In 2019, the program awarded grants totaling more than $4 million to support 66 projects impacting communities throughout the state.

Grant Type	Projects	Amount
Community and Litter	54	$2,328,418
Market Development	6	$783,075
Scrap Tires	6	$977,336
Total	**66**	**$4,088,829**

Tackling Improper Waste Disposal

Using Education and Outreach to Clean Up Recycling

Ohio EPA is investing in education and outreach in pilot areas around the state to address improper disposal of non-recyclable trash into recycling containers. DEFA's Recycling and Litter Prevention Grant Program awarded six grants to a strategically and geographically diverse group of communities to work with The Recycling Partnership to create the best model for replicable success statewide. This two-year project, including grants of nearly $211,000, focuses on outreach efforts in Akron, Centerville, Cincinnati, Columbus, Fairfield and Lorain. It's anticipated that more than 105,000 households will benefit from these efforts. Material recovery facilities including Waste Management of Akron, Republic Services of Oberlin, Rumpke of Columbus and Rumpke of Cincinnati are all participating and investing in this project.

Encouraging Environmental Excellence (E3) Program

Ohio EPA's E3 program recognizes businesses, organizations and government entities for achievements in environmental stewardship. During SFY19, Ohio EPA acknowledged five Gold Level, two Silver Level and 16 Achievement Level E3 recipients. This was the second year Ohio EPA recognized organizations at the Platinum Level for their efforts to expand their environmental sustainability programs beyond their own facility to make a positive impact on their surrounding community. Five organizations were recognized at the E3 Platinum Level.

Encouraging Environmental Excellence in Education (E4) Program

Ohio EPA introduced the Encouraging Environmental Excellence in Education (E4) program at Newark schools as part of an Earth Day celebration with Governor Mike DeWine. The E4 program recognizes any K-12 public or private school for its achievements in environmental stewardship and efforts to educate students on environmental topics.

The program has three recognition levels: root; branch; and leaf. These levels are based on the three R environmental principles (reduce, reuse and recycle) the school incorporates in curriculum or school activities. Schools can apply at any time through an online application. The new recognition program builds on the

Director Stevenson, left, joined Governor Mike DeWine to celebrate Earth Day and recognize the students behind Newark's Together We Grow greenhouse and Green Machine.

successful Encouraging Environmental Excellence (E3) program, which recognizes businesses, nonprofits and government agencies for going above and beyond compliance with requirements while demonstrating environmental excellence.

Compliance Assistance to Businesses and Small Wastewater Package Plants

DEFA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free and confidential assistance to help businesses comply with environmental requirements. During SFY19, OCAPP responded to more than 6,800 environmental assistance requests from Ohio's businesses, communities and other organizations. This includes 155 site visits and assistance in completing 1,055 forms, including permit applications and other Ohio EPA paperwork. OCAPP staff participated in 62 presentations and training events, reaching more than 3,740 people with information on pollution prevention and environmental compliance.

The wastewater Compliance Assistance Unit (CAU) staff in DEFA conduct on-site technical assistance visits and work directly with small wastewater treatment plants to address their compliance. Through the services of the CAU, many communities have not only resolved problems, but also identified ways to save money through energy efficiency and other best management practices. During SFY19, the CAU conducted 111 visits at wastewater treatment plants throughout Ohio. The CAU provided training to more than 500 individuals through 12 training events and workshops in SFY19.

Protecting Our Environment, Building Our Economy

Nease Chemical Superfund Site

Clean up is ongoing at the former Nease Chemical Superfund site, a chemical manufacturing plant near Salem that produced specialty chemicals between 1961 and 1973. Soil and ground water were contaminated by releases of solvents and Mirex, an insecticide for fire ants. Mirex also was carried by run-off into Feeder Creek and Middle Fork Little Beaver Creek (MFLBC), contaminating sediment, floodplain soil and fish.

Cleanup activities conducted under U.S. EPA's oversight with Ohio EPA support include: in-situ treatment of source areas (unlined ponds); installation of a cover system to reduce infiltration to ground water and prevent exposure to sub-surface contamination; excavation and consolidation under the cover system of off-property contaminated soil; zero-valent iron treatment of ground water; Feeder Creek remediation; and MFLBC sediment and floodplain excavation and restoration.

Once construction is completed (in late summer/fall 2019), institutional controls, treatment of ground water, and operation and maintenance of the cover system will be necessary to protect human health and the environment in the long-term.

Source areas, on-site treatment

Middle Fork Little Beaver Creek Excavation

Feeder Creek upstream, post-remediation

DuPont Specialty Products, Circleville

Early in 2019, DuPont Specialty Products approached Ohio EPA through JobsOhio to request assistance with air permitting for a new $200 million Kapton® film production line at their existing facility in Circleville, Ohio. The company described a rapidly expanding consumer demand for their specialty thermal film which has versatile uses in products ranging from cell phones and vehicle electronics to spacecraft components. In order to remain globally competitive, DuPont indicated that they would need to obtain air permits and begin construction on the new production line very quickly.

The project involved both an installation permit for the new equipment and modification permits to address the effects of the new production line on existing equipment. Division of Air Pollution Control staff in the Central District Office communicated regularly with DuPont before the application was submitted and throughout the permitting process. The district also worked closely with Central Office staff during the permitting process, helping to facilitate an expeditious permit review and issuance process. As a result of the open communication and efforts between Ohio EPA and the company, the final air permits allowing construction and modifications were issued to DuPont in less than three months. The new Kapton® production line will allow DuPont to hire at least 40 new employees and introduce a new advanced manufacturing process at the Circleville facility. Construction is expected to begin in summer 2019.

Petmin Limited, Ashtabula

Petmin Limited submitted an air permit-to-install application to construct a new nodular pig iron manufacturing facility in Ashtabula, Ohio on Sept. 10, 2018. The project will use a direct reduced iron reactor to produce 470,000 tons per year of pig iron from iron ore pellets. The proposed facility exceeds thresholds for Prevention of Significant Deterioration resulting in an in-depth analysis to determine Best Available Control Technologies. To keep the company on track with construction planning, the goal was to issue a final permit by March 1, 2019. Thanks to weekly conference calls and open communication throughout the permitting process, Ohio EPA was able to issue a draft permit, hold a public hearing, respond to comments and issue the final permit ahead of schedule on Feb. 6, 2019.

Clearing and Protecting Our Air

Ohio EPA regulates more than 16,000 facilities and 76,000 air pollution sources. During SFY19, the Division of Air Pollution Control (DAPC) issued more than 1,500 permitting actions and 570 permit-by-rule authorizations. Ohio EPA issued several major installation permits including permits for the PTTGCA Petrochemical Complex in Shadyside and the Petmin USA Incorporated merchant pig iron facility located in Ashtabula.

Attaining the 2012 Annual PM2.5 Air Quality Standard in the Cleveland Area

On Dec. 14, 2012, U.S. EPA substantially strengthened the national ambient air quality standard for annual particulate matter (PM2.5), revising the standard from 15.0 ug/m3 to 12.0 ug/m3. One Ohio area, Cleveland, did not meet the standard and was designated nonattainment by U.S. EPA.

After more than six years, the nonattainment area in Cleveland, comprised of Cuyahoga and Lorain Counties, was recognized by U.S. EPA as attaining the standard and was redesignated effective April 12, 2019. Based on current air quality data, the entire state now meets the 2012 annual PM2.5 standard.

Attaining the 2010 Sulfur Dioxide Air Quality Standard in Lake County

On June 22, 2010, U.S. EPA substantially strengthened the national ambient air quality standard for sulfur dioxide (SO2) by revoking the annual and 24-hour standards and setting a new one-hour standard of 75 ppb. Four Ohio areas – Lake County, Steubenville, Muskingum River and Campbell-Clermont – did not meet the standard and were designated nonattainment by U.S. EPA.

The Campbell-Clermont area was redesignated in 2016. After nearly nine years, the nonattainment area in Lake County was recognized by U.S. EPA as attaining the standard and was redesignated effective May 14, 2019. Based on current air quality data, the entire state now meets the 2010 sulfur dioxide standard. Ohio EPA is working with U.S. EPA to redesignate the remaining two nonattainment areas.

Clean Data Achieved in the Columbus Area for the 2015 Ozone Air Quality Standard

On Oct. 1, 2015, U.S. EPA substantially strengthened the national ambient air quality standard for ozone, revising the standard from 75 ppb to 70 ppb. Three Ohio areas, Cleveland, Cincinnati and Columbus, did not meet the standard and were designated nonattainment by U.S. EPA. Based on air quality data collected between 2016 and 2018, the Columbus area is monitoring attainment of the ozone standard. Ohio EPA prepared a redesignation request and maintenance plan and submitted this to U.S. EPA on April 23, 2019. Ohio EPA is awaiting official redesignation action from U.S. EPA.

Ambient Air Monitoring: Special Study

Ohio EPA received a Community-Scale Air Toxics monitoring grant from U.S. EPA to characterize and assess levels of criteria and toxic pollutants near Ohio's oil and gas industry. The monitoring site was initially established in a farm field in Hopedale, Ohio, but was moved due to issues with the site. A new site was established at the MarkWest Hopedale fractionation facility.

Ohio EPA began monitoring in the fall 2018 for carbon monoxide, volatile organic compounds, particulate matter (both PM2.5 and PM10) and air toxics (through the operation of a gas chromatograph). Ohio EPA anticipates operating this site for two years.

Reducing Diesel Emissions…and Recycling Old Tugboats

This year, Ohio EPA awarded the first $15 million in competitive grants from Ohio's share of the Volkswagen settlement to replace or repower heavy duty diesel vehicles and off-road equipment in 26 Ohio priority counties to improve air quality. The new Diesel Mitigation Trust Fund (DMTF) will provide $75 million over the next decade for projects to reduce diesel emissions. VW and its affiliated companies were sued by the U.S. and California over the sale of diesel vehicles equipped with illegal "defeat devices" that allowed them to emit between nine and 40 times more nitrogen oxide, a harmful pollutant, than allowed under the Clean Air Act.

Ohio EPA grants awarded to 21 projects this year are estimated to reduce annual emissions of more than 88 tons of nitrogen oxides (pollutants that form ozone smog) and more than 1,855 tons of other pollutants. These new grants will replace 179 school buses, 21 public transit buses, 143 heavy diesel trucks, and 15 pieces of airport ground support equipment. The new vehicles requested by the fleet owners include 284 new clean diesel, 35 compressed natural gas, 19 propane, and 20 all-electric.

Ohio EPA is also using a combination of VW funds and federal grants to pay a portion of the engine component costs to replace eight tugboats in Lake Erie ports with four new diesel electric tugs. To be eligible for these funds, the engines in the old tugs have to be decommissioned.

Protecting and Reclaiming Our Land

The Division of Environmental Response and Revitalization (DERR) oversees clean-up and remediation, conducts hazardous waste inspections, post closure inspections, oversees hazardous waste permitted facilities, provides assistance to communities via grants for investigation at brownfield sites, coordinates funding with other state agencies to leverage clean-up and assist local communities address blighted areas, and investigate sites at other non-operating facilities using a CERCLA/Superfund framework. DERR has been very focused on ensuring that public health is protected due to environmental exposures associated with contaminated sites. DERR has worked cooperatively with local communities and businesses to ensure workers and nearby residents are protected. An annotated summary of DERR's many goals is provided below.

Programmatic Area	Focus	Key Accomplishments
Voluntary Action Program	Voluntary and privatized remediation program for contaminated industrial or brownfield sites.	13 Covenants Not-to-Sue issued 35 technical assistance projects 503 acres remediated 23 NFA letters under review
Site Assessment and Brownfield Revitalization	Provides funding to communities for: sampling, technical assistance, project guidance, and brownfield training. Collaborates with ODSA, BUSTR, and other funding sources.	26 site-specific assessments 106 communities assisted 117 acres remediated
Hazardous Waste Program	Manages the federally delegated RCRA C (Hazardous waste program) inspections, permits, and remediation.	80 LQG Inspections 581 other inspections 2 permit renewals 97 permit mods
Remedial Program (CERCLA based clean-ups)	National Priorities List sites and state lead response actions	3 Records of Decision 1 NRDA
Federal Facility Remediations	Oversees remediation at Department of Defense and Department of Energy Sites	10 Records of Decision 503 acres conservation easement

DERR worked closely with a local community to redevelop a 300-acre site into re-useable commercial/ industrial property and a natural area with more than seven miles of trails for public use. The VAP project was representative of the collaboration of various state agencies and local governments of remediation projects and redevelopment of brownfield sites.

An approximately 179-acre farm was restored into perpetually protected wetlands at the confluence of the Portage and Little Portage rivers near Lake Erie and is now part of the National Ottawa Wildlife Refuge.

Ground and Surface Water

Class I Underground Injection Control Permit Applications

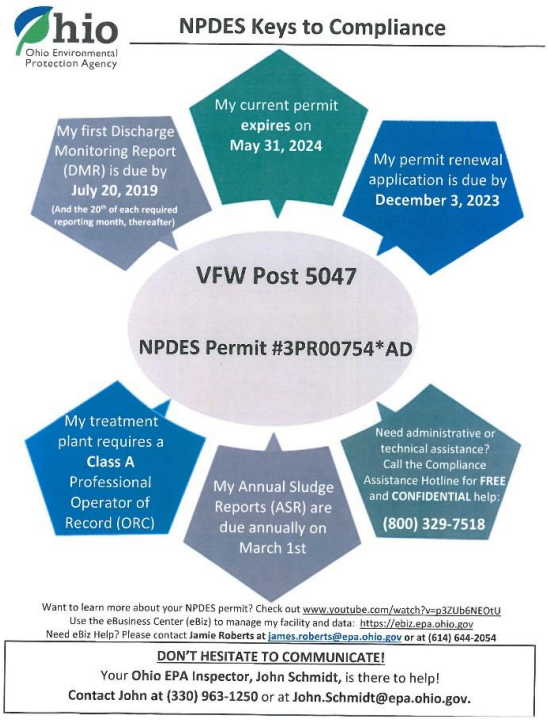
Class I injection wells dispose of hazardous and non-hazardous waste several thousand feet into the ground. Ohio EPA has primacy from U.S. EPA to enforce federal regulations as well as Ohio statutes and regulations. Ohio EPA has received applications for permits to drill and permits to operate for nine Class I injection wells in recent years. Ohio EPA has approved five permits to drill, allowing the construction of five new wells, and permits to operate three of these wells. Two permit-to-operate applications are still in review. This currently increases the number of Class I injections well operating in Ohio to 13 wells with four Class I injection wells under construction or awaiting permission to operate.

Wastewater Discharge Permit Compliance

Ohio EPA's Division of Surface Water (DSW), maintains more than 3,600 individual National Pollutant Discharge Elimination System (NPDES), or wastewater discharge, permits. NPDES permits are typically effective for five years and must be renewed.

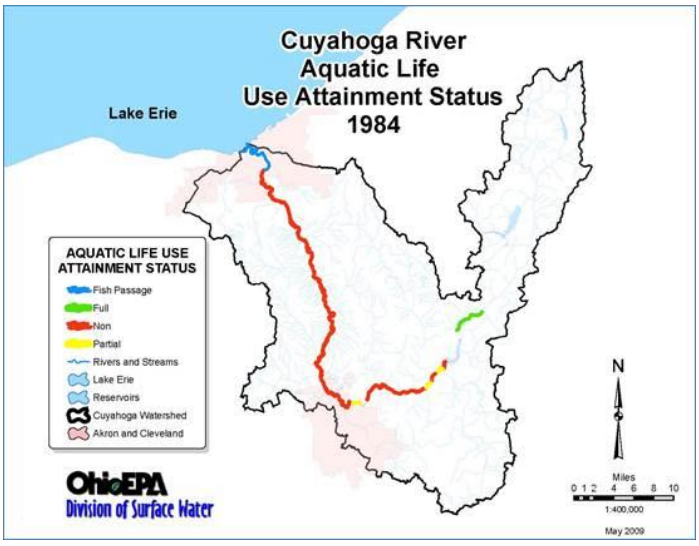
The compliance section has implemented numerous initiatives to promote consistent statewide compliance with these permits. Compliance initiatives include taking a proactive approach to ensure timely submittal of permit renewal applications and addressing non-compliance with reporting requirements (discharge monitoring reports, effluent violations, annual sludge reports, etc.).

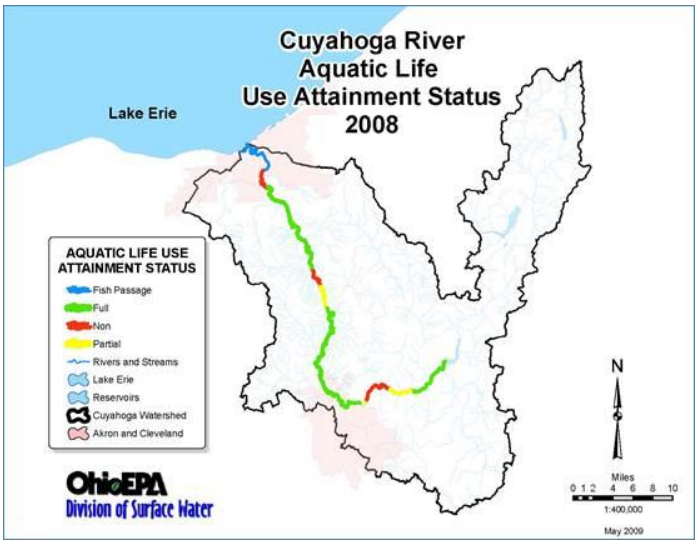
DSW continually monitors facility compliance and ensures violations are tracked and followed up on to resolution. Beginning in August 2018, DSW began sending out Keys to Compliance (K2C) sheets with all new and renewed NDPES wastewater discharge permits. The K2C sheets give the permittee basic permit responsibilities and contact information for their facility inspector displayed in a colorful easy-to-follow one-page format.

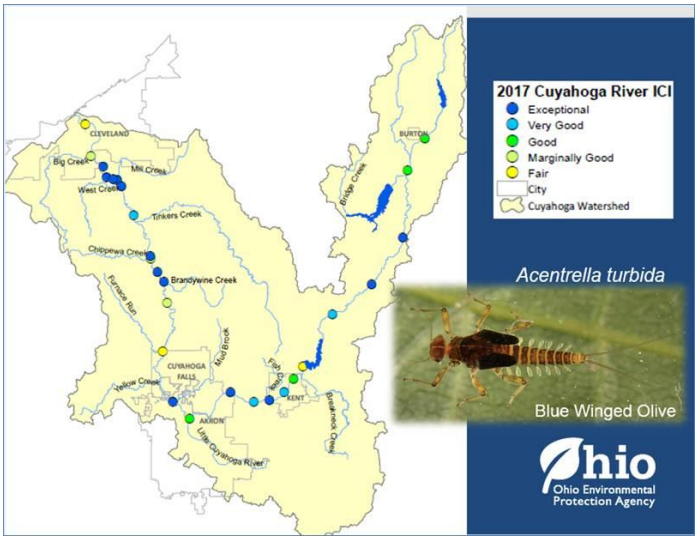


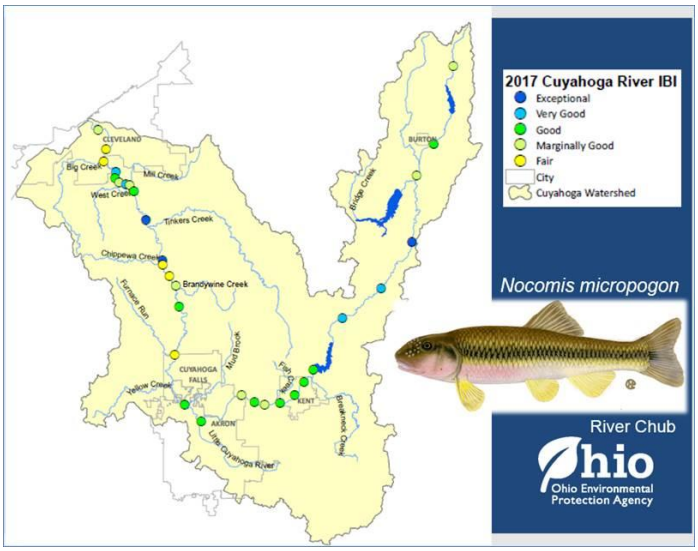
Sport Fish Consumption Advisories Lifted

Contaminant concentrations in fish tissue continue to decline. In 2019, a do not eat advisory for Quillback, River Carpsuckers and Smallmouth Buffalo was removed from the Great Miami River and is now within the statewide "one meal per week" advisory. In addition, three advisories in the upper reaches of the Cuyahoga River, two advisories on the Hocking River, and one advisory for Delaware Lake and Lake Erie all became less restrictive than previously posted.









Funding to Help Communities Address Wastewater and Drinking Water Needs

In SFY19, Ohio EPA's state revolving fund (SRF) loan programs provided millions of dollars to help Ohio communities improve drinking and wastewater infrastructure.

Through the Water Pollution Control Loan Fund (WPCLF), Ohio EPA offers financial and technical assistance to public entities (villages, cities, counties and sewer districts) for wastewater-related projects, including improving wastewater plants, replacing sewers, elimination of sewer infiltration/inflow, addressing unsewered areas and infrastructure improvement to address combined sewer overflows. During SFY19, Ohio EPA awarded more than $440 million in WPCLF loans to Ohio communities.

In 2016 Ohio EPA initiated the home sewage treatment system (HSTS) program, which provides funding to communities to help their low- to moderate-income homeowners repair and replace failing home sewage treatment systems. In SFY19, Health departments in 70 counties applied for up to a maximum of $150,000 each to distribute under the HSTS program. Since the program began, more than $21 million has been disbursed. To date, 1,685 soil evaluations and design projects have been completed and 2,038 systems have been repaired or replaced. In addition, close to $15 million in principal forgiveness provided collection capacity in unsewered areas and addressed other infrastructure priorities, particularly in economically disadvantaged and small communities.

Ohio EPA's Water Supply Revolving Loan Account (WSRLA) provides financial assistance to communities for planning, design, construction and improvements to public water systems.

Ohio EPA awarded WSRLA loans totaling close to $155 million to help communities address drinking water infrastructure needs. Small, disadvantaged communities received about $12.7 million in principal forgiveness funding. $161,000 in grants for emergency generators were supplied to water systems to enable continued operation of facilities during power outages. In addition, close to $550,000 in principal forgiveness was made available through the WSRLA program for water systems to fund asset management plans.

Ohio EPA leverages financial resources through our SRF programs to address some of the state's most significant water quality challenges, including harmful algal blooms and combined sewer overflows. Loans totaling just over $19 million were awarded during SFY19 through the WPCLF program for infrastructure improvements and equipment to reduce phosphorus and other nutrients. Ohio EPA committed WPCLF funding at no interest to help communities address aging and failing storm water and sewer infrastructure. To address CSOs, Ohio EPA awarded 17 loans totaling more than $191 million, of which $47 million was at a zero percent interest rate.

Rules – Summary (from 7/1/18 – 6/30/19)

The attached table contains those rules which were filed with the Joint Committee on Agency Rule Review. This includes all rules adopted, amended, rescinded, and filed as no change within the summary timeframe, the number of rules in the rule package, a brief description of the rule package, and an indication of whether or not the rules were reviewed under the five-year rule review provision, and whether or not the rules went through the Common Sense Initiative Office.

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DSW	Biosolids	Contains requirements for the disposal, use, storage, transfer and treatment of sewage sludge and biosolids, and the beneficial use of biosolids.	12	Y	Y	12/01/18
DERR	Contaminated Wipes and Apparel	Conditionally excludes contaminated wipes and apparel from regulation under the hazardous waste regulations when certain conditions are met.	1	N	Y	11/12/18
DDAGW	Operator Certification	Contains the certification requirements for water and wastewater system operators to ensure public water and wastewater systems are operated by properly trained and qualified individuals.	18	Y	Y	8/15/18
DSW	Permit to Install Design Flow	Amended to allow Ohio EPA to consider up to thirty percent reduction in the design flows for a wastewater treatment works, based upon the installation of low flow fixtures of water saving devices installed at the source of wastewater generation.	1	Y	Y	8/1/18
DAPC	Title V Permitting (amend)	Contains the requirements for the permitting of major sources of air pollution under Title V of the Clean Air Act.	9	Y	Y	7/19/18
DDAGW	Connection Bans	Contains the procedures for issuing a connection ban, which is an order or permit condition issued by OEPA prohibiting new construction in a geographic area from connecting to sanitary sewers or a publicly owned treatment works.	3	Y	Y	No-change - Not applicable
DERR	Voluntary Action Program (VAP) – Remediation	Contains the requirements for remediation in the Voluntary Action Program.	1	N	Y	7/30/18
DMWM	Composting and Multi-Program (amend)	Contains the requirements for the composting program along with the multi-program definitions, applicability, and general administration.	49	Y	Y	10/1/18
DDAGW	Confidentiality of information	Contains the procedures for an entity regulated through the Underground Injection Control to request a trade secret.	1	Y	Y	11/1/18
DDAGW	Backflow Prevention and Underground Injection Control	Clarification that the Director must prepare a fact sheet when reducing requirements to be consistent with the federal counterpart; changing the phrase "backflow prevention device" to "backflow preventer"; clarification that booster pumps installed before 8/8/08 are required to have one of the three acceptable minimum pressure sustaining methods in place; clarification that a public water system (PWS) can deny or discontinue water service where any minimum pressure sustaining method, not just low pressure cut-off devices, are not installed or maintained properly.	4	Y	Y	8/15/18

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DDAGW	Disruption of Service	Establishes requirements for public water systems (PWSs) that have a disruption of service involving the distribution system.	1	N	Y	11/1/18
DDAGW	Asset Management	Incorporates new and amended language effective in sections 6109.02, 6109.08 and 6109.24 of the Ohio Revised Code (ORC). The language clarifies when water systems may be exempted from the requirements of OAC Chapter 3745-81 and establishes requirements for demonstrating technical, managerial, and financial capability.	9	Y	Y	11/8/18
Agency	Adjudication and Administrative Procedures	3745-47: Governs the procedure for all adjudication proceedings and other procedures relating to adjudications pursuant to Chapter 119. Of the Revised Code, or any other statute or rule providing for adjudication proceedings before the agency. 3745-49: Governs public notices, public meetings, public records, verified complaints, and other administrative functions performed by the agency.	33	Y	Y	No-change - Not applicable
OEEF	Diesel School Bus Grants	Covers the permitted uses, eligibility, and prioritization of grant monies credited to the "Clean Diesel School Bus Fund" pursuant to 3704.144 of the Revised Code. This grant program has been replaced by three other Ohio EPA grant programs that address emissions from school buses.	3	Y	Y	12/31/18
DAPC	National Ambient Air Quality Standards (NAAQS)	The standards adopt the current NAAQS into the OAC and fulfill the requirements in the Clean Air Act as a part of Ohio's state implementation plan (SIP) for the attainment and maintenance of the NAAQS.	1	N	Y	12/31/18
DAPC	AIM Coatings (amends)	Establishes requirements on the quantity of volatile organic compounds (VOCs) contained in Architectural and Industrial Maintenance (AIM) coatings that are sold, supplied, offered for sale, or manufactured for sale in the state of Ohio. The rules in this chapter are applicable statewide and apply to persons who sell, supply, offer for sale, or manufacture for sale in the state of Ohio any AIM coating on or after 1/1/09 that contains VOC's in excess of the VOC content limits specified in the Table in OAC Rule 3745-113-03.	6	Y	Y	2/16/19
DAPC	AIM Coatings (no-change)	Applicability of the AIM coatings chapter as explained above.	1	Y	Y	No-change - Not applicable
DSW	Pretreatment and Indirect Discharge	3745-36: Contains the administrative requirements for permitting industrial wastewater discharges into publicly owned treatment works (POTWs). 3745-3: Contains the administrative requirements for the development and implementation of pretreatment programs.	18	Y	Y	2/1/19
DSW	NPDES	Contains the Storm Water and General NPDES Permit Program. These rules were updated to mirror the latest revisions to the corresponding federal regulations.	5	Y	Y	2/1/19
DAPC	Greenhouse Gases	Contain the requirements for the permitting of major sources of greenhouse gas emissions. "Greenhouse gases" subject to regulation as defined in 40 CFR Part 51.166 consist of the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride."	2	Y	Y	No-change - Not applicable

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DSW	Total Maximum Daily Loads (TMDLs)	Covers the technical process for converting Ohio water quality standards (WQS) to wasteload allocations that can be used as limits in National Pollutant Discharge Elimination System (NPDES) permits. Specifically, 3745-2-12 covers the procedures for developing TMDLs for waters listed as impaired on Ohio's 303(d) list. Revisions were necessary to be consistent with House Bill 49 of the 132nd General Assembly. Also establishes procedures for providing notice to stakeholders, and criteria for determining significant public interest in TMDL development.	3	Y	Y	2/15/19
SERC	Access to Information	Mirrors the public information language found in ORC 3750.02(B)(2)(c).	1	N	Y	JCARR jurisdiction ends 7/4/19.
DAPC	Volatile Organic Compounds (VOCs)	Establishes requirements for the control of emissions of VOCs and carbon monoxide (CO) from stationary emission sources.	6	N	Y	2/16/19
DMWM	Beneficial Use	Expands OAC Chapter 3745-599 to include provisions for the use, management, and placement of dredge from a federal navigation channel or connected commercial maritime port facility pursuant to ORC section 6111.34. ORC 6111.34, which grants the Agency the authority to promulgate rules for the beneficial use of dredge material.	8	Y	Y	2/25/19
DMWM	Solid Waste Administration	Contains the definitions, exemptions, and wording of financial assurance instruments for solid waste facilities.	3	Y	Y	4/22/19
DAPC	Sulfur Dioxide Nonattainment Area	Revised to change the sulfur dioxide (SO2) emission limit for the coal-fired boilers at the Cardinal Power Plant in Jefferson County. This change is necessary to satisfy U.S. EPA requirements for Ohio's SO2 attainment demonstration for the Steubenville, OH-WV nonattainment area (the City of Steubenville and the following townships in Jefferson County: Cross Creek, Warren, Steubenville and Wells) and in order for the area to be eligible for redesignation to attainment and to ensure maintenance of the 2010 SO2 National Ambient Air Quality Standard (NAAQS). This includes amendments to OAC Rules 3745-18-03 and 3745-18-04 to incorporate compliance time schedules and measurement methods and procedures relevant to the Cardinal emission limit.	3	N	Y	7/5/19
Agency	Public notice	Contains the administrative procedures Ohio EPA utilizes to govern public notices performed by the agency.	1	N	Y	7/27/19
DDAGW	Drinking Water Source Protection Plan	3745-81: Contains the primary drinking water standards for public water systems (PWS), as set forth in the federal Safe Drinking Water Act Amendments. 3745-91: Establishes requirements for submission of plans for construction of PWSs or for making significant alterations to existing PWSs.	9	Y	Y	JCARR jurisdiction ends 8/7/19.

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DAPC	NOx Budget Program (amends)	Contains Ohio's Nitrogen Oxides (NOx) Budget Program (NBP). Revisions are being made to demonstrate continued compliance by large non-EGUs with the NOx SIP Call following U.S. EPA's discontinuation of compliance trading options.	5	Y	Y	JCARR jurisdiction ends 8/10/19.
DAPC	NOx Budget Program (no-change)	Contains Ohio's Nitrogen Oxides (NOx) Budget Program (NBP).	1	Y	Y	JCARR jurisdiction ends 9/4/19.